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10/760,002	01/16/2004	David Solow-Cordero	061030-0055	8662

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EXAMINER
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KWON, BRIAN YONG S

ART UNIT	PAPER NUMBER
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1614

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/760,002

Applicant(s)

SOLOW-CORDERO ET AL.

Examiner

Brian S. Kwon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-23 and 25-49 is/are rejected.
- 7) ☒ Claim(s) 1-2, 29-33 and 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/22/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Applicants Response to Restriction Requirement Acknowledged*

1. Applicant's election, with traverse, with the Group VII (original Group VI, drawn to a method of modulating an Edg-7 receptor mediated biological activity with thiazole compounds when X is C; Y is C; Z is C, classified in class 514, subclass 372), claims 1-32, along with compound 105 and cancer as the elected species is acknowledged.

Applicants traverse the restriction requirement on the grounds that there would be no burden in searching the entire groups. This argument is not persuasive, as claimed invention would be distinctive, each from the other for the reason of the record. Furthermore, the search of the entire groups in the non-patent literature (a significant part of a thorough examination) would be burdensome. Therefore, the requirement is still deemed proper, and made Final.

The elected species compound 105 is free from prior art, search has been extended to compound read on elected invention (having Edg7 receptor inhibitory activity). The claims have been examined insofar as they readable to the searched compound.

Claims 1-2, 4-23 and 25-49 read on the elected invention. Claims 3 and 24 are withdrawn from further consideration by the examiner as being drawn to non-elected invention.

### *Priority*

2. It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/454,881, filed January 16, 2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C.

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120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was

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unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required.

Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

### *Claim Objections*

3. Claims 1-2, 33 and 44 are objected to because of the following informalities: “selected from” is improper Markush-type language. “selected from” should be corrected as “selected from the group consisting of”. Appropriate correction is required.

Claims 29-32 are objected to as being incomplete. No structure and definition of compound of formula I or II are depicted in claims 29-32. For the examination purpose, “the formula (I) or (II)” is interpreted as the compound of the formula (I) or (II) in claim 1 or 2.

### *New Matter*

4. The amendment filed June 27, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: “each R1, R2, R3, R4 and R7 is absent”.

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Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-2, 4-23, 25-27 and 29-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims in this application introduce a new limitation, namely “each R1, R2, R3, R4 and R7 is absent”. The examiner determines that when all evidences in the original disclosure are considered and carefully reviewed, the newly amended claims fail to find support in the original specification.

Throughout the specification, each of R1, R2, R3, R4 and R7 is independently selected from with “-H, -halo, -NO<sub>2</sub>, -CN, -C(R<sub>5</sub>)<sub>3</sub>....”.

Therefore, it would have been clear to one skilled in the art, reading the instant disclosure, that the claimed compound of the formula (I) must be substituted at R1, R2, R3, R4 or R7 position with various substituents provided in the specification.

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There is no express statement about the exclusive limitation (for the term “absent”) that can be found in the specification. Thus, the exclusion of said elements implies the inclusion of all other elements not expressly excluded, clearly illustrating that such negative limitations do, in fact, introduce new matter. The negative limitation recited in the present claims, which did not appear in the specification filed, introduces new concepts and violate the description requirement of the first paragraph of 35 USC 112.

6. Claims 1-2, 4-23 and 25-49 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for reducing or activating the specific biological activity (e.g., VEGF synthesis or IL-8 synthesis) or treating the specific cancer, does not reasonably provide enablement for “modulating an Edg-7 receptor mediated biological activity...”, “treating or preventing cancers...” or “treating cancers...”. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

The factors to be considered in determining whether a disclosure meets the enablement requirement of 35 U.S.C. 112, first paragraph, have been described in *In re Wands*, 8 USPQ2d 1400 (Fed. Cir. 1988). Among these factors are: (1) the nature of the invention; (2) the state of the prior art; (3) the relative skill of those in the art; (4) the predictability or unpredictability of the art; (5) the breadth of the claims; (6) the amount of direction or guidance presented; (7) the presence or absence of working examples; and (8) the quantity of experimentation necessary. When the above factors are weighed, it is the examiner's position that one skilled in the art could not practice the invention without undue experimentation.

The instant claims are drawn to a method for modulating an Edg-7 receptor mediated biological activity or treating or preventing “cancers...” comprising administering a compound of formula (I), (II), (III) or (IV).

Websters II Dictionary defines the term “modulate” as “to adjust or adapt to a certain proportion; to pass gradually from one state to another”, “prevent” as “anticipate or counter in advance, to keep from happening” and “inhibit” as “to prevent; to prohibit”.

The interpretation of the instant claims, drawn to “a method of modulating an Edg-7 receptor mediated biological activity...” allows for the inhibition (down-regulation), stimulation or enhancement (up-regulation) and/or mixed up and down regulation of an Edg-7 receptor mediated biological activity, whereas the interpretation of the instant claims, drawn to “a method of treating or preventing “cancers...” allows for the complete cure and eradication or total elimination of “cancers...” by the administration of said compounds,

With respect to the scope of enablement for “modulation” (inhibition or prevention) of Edg-7 receptor mediated biological activity or “prevention” of “cancers, acute lung diseases, acute inflammatory...”,

Similarly as discussed above, the interpretation of instant claims includes not only the modulation (e.g., inhibition and/or activation) of Edg-7 receptor mechanism, but also the treatment or prevention of any diseases or conditions associated or involved with Edg-7 receptor mechanism by administering the compounds represented by the formula (I) or (II).



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There are no known compounds of similar structure which have been demonstrated to prevent or cure any diseases or biological activities by Edg-7 receptor mechanism. Since this assertion is contrary to what is known in medicine, proof must be provided that this revolutionary assertion has merit. For example, there is no known cure for cancers or cardiovascular diseases. The true fact of the state of the art is illustrated succinctly in the (“NIH Heart Disease & Stroke Research: Fact Sheet”, American Heart Association, 2004; “Cardiovascular Disease: Treatment for Stroke”, Stanford Hospital & Clinics, 2003; “Heart Disease”, Charlotte E. Grayson, WebMD, 2004; “Acute Congestive Heart Failure”, Thomas N. Levin, Postgraduate Medicine, Vol. 101, No. 1, 1997; “Baylor, St. Luke’s study uses gene therapy as pancreatic cancer”, April Sutton, [www.bcm.edu](http://www.bcm.edu), 2006; “Drugs hold promise in kidney cancer fight”, Marchione et al., [www.ledger-enquireer.com](http://www.ledger-enquireer.com), 2006). Thus, it is not understood how one skilled in the art can reasonably establish the basis and the type of subject to which the instant compounds can be administered in order to have the “prevention” or completely cure or eradication effect.

The relative skill of those in the art of pharmaceuticals and the unpredictability of the pharmacy art is high. The specification does not provide any competent evidence or disclosed tests that are highly predictive for the preventive utility of the instant compounds.

The specification provides assays to test compounds of the Formula I, II or III, particularly compounds 101, 105, 107, 127, 129 and 133, in vitro and discloses that compounds 101, 105, 107 exhibit Edg-7 receptor inhibitory properties (Example 4) while compounds 127, 129 and 133 exhibit Edg-7 activating activity (Example 5). However, there is no demonstrated

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correlation that the tests and results apply to the claimed preventive utility embraced by the instant claims.

Since the efficacy of the claimed compound(s) in preventing the claimed conditions (for example cancers or cardiovascular diseases) mentioned above cannot be predicted from a priori but must be determined from the case to case by painstaking experimental study and when the above factors are weighed together, one of ordinary skill in the art would be burdened with undue "painstaking experimentation study" to use the invention commensurate in scope with the claims.

With respect to the scope of enablement for the treatment (or prevention) "Edg-7 receptor mediated biological activity", "cancers...cardiovascular diseases" or "cancers",

The relative skill of those in the art of pharmaceuticals and the unpredictability of the pharmaceutical art is very high. In fact, the courts have made a distinction between mechanical elements function the same in different circumstances, yielding predictable results, chemical and biological compounds often react unpredictably under different circumstances. Nationwide Chem. Corp. v. Wright, 458 F. supp. 828, 839, 192 USPQ 95, 105(M.D. Fla. 1976); Aff'd 584 F.2d 714, 200 USPQ 257 (5<sup>th</sup> Cir. 1978); In re fischer, 427 F.2d 833, 839, 166 USPQ 10, 24(CCPA 1970). Thus, the physiological activity of a chemical or biological compound is considered to be an unpredictable art. For example, in Ex Parte Sudilovsky, the Court held that Appellant's invention directed to a method for preventing or treating a disease known as tardive dyskinesia using an angiotensin converting enzyme inhibitor involved unpredictable art because it concerned the pharmaceutical activity of the compound. 21 USPQ2d 1702, 1704-5(BDAI

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1991); In re Fisher, 427 F.2d 1557, 1562, 29 USPQ, 22 (holding that the physiological activity of compositions of adrenocorticotrophic hormones was unpredictable art; In re Wright, 999 F.2d 1577, 1562, 29 USPQ d, 1570, 1513-14 (Fed. Cir. 1993) (holding that the physiological activity of RNA viruses was unpredictable art); Ex Parte Hitzeman, 9 USPQ2d 1821, 1823 (BDAI 1987); Ex Parte Singh, 17 USPQ2d 1714, 1715, 1716 (BPAI 1990). Likewise, the physiological or pharmaceutical activity of treating or preventing “Edg-7 receptor mediated biological activity”, “cancers, acute lung diseases, acute inflammatory exacerbation...” or “cancer” prior to filling of the instant invention was an unpredictable art.

The scope of the instant invention is extremely broad. The scope of the instant claims encompasses prevention (complete thwarting or warding off illness or total elimination or eradication of disease) or treatment of multiple complex disorders that may have unrelated manifestations including cancers (e.g., ovarian, peritoneal, endometrial, cervical, breast, colorectal, uterine, stomach, small intestine, thyroid, lung, kidney, pancreas and prostate cancer), acute lung diseases, adult respiratory distress syndrome, asthma, cutaneous burns, transcorneal freezing, cardiovascular diseases (e.g., coronary artery disease, heart valve disease, arrhythmia, heart failure, stroke, shock, endocarditis, diseases of the aorta and its braches, disorders of the peripheral vascular systems, congenital heart diseases, angina (particularly chronic, stable angina pectoris), cardiomyopathy, restenosis, ischemic disease, pulmonary edema associated with acute myocardial infarction, thrombosis, platelet aggregation, platelet adhesion, pulmonary thromboembolism, cerebral thromboembolism, arteriovenous fistula, atheroembolism, etc...).

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Although the instant invention links Edg-7 mechanism to the pathophysiology of multitude of disease as discussed above, it is not known yet that a single underlying mechanism ties together all of the seemingly unrelated manifestations. Therefore, the skilled artisan would turn to undue amount of trial and error to find out which disease or condition would be response to the administration of said compounds having Edg-7 receptor modulating activity.

The specification provides assays to test compounds of the Formula I, II or III, particularly compounds 101, 105, 107, 127, 129 and 133, in vitro and discloses that compounds 101, 105, 107 exhibit Edg-7 receptor inhibitory properties (Example 4) while compounds 127, 129 and 133 exhibit Edg-7 activating activity (Example 5). However, there is no demonstrated correlation that the tests and results apply to the treatment of disease conditions embraced by the instant claims. Ex parte Maas, 9 USPQ2d 1746, makes clear “First, although appellants’ specification describes certain in vitro experiments, there is no correlation on this record between in vitro experiments and a practical utility in currently available form for humans or animals. It is not enough to rely on in vitro studies where, as here, a person having ordinary skill in the art has no basis for perceiving those studies as constituting recognized screening procedures with clear relevance to utility in humans or animals”.

As discussed above, no examples exist for efficacy of a single product against all types of diseases or conditions or cancers. For example, Cecil Textbook of Medicine states that “each specific type has unique biologic and clinical features that must be appreciated for proper diagnosis, treatment and study” (see the enclosed article, page 1004). Different types of cancers affect different organs and have different method of growth and harm the body. Also see *In re Buting*, 163 USPQ 689 (CCPA 1969), wherein ‘evidence involving a single compound and two

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types of cancer, was held insufficient to establish the utility of the claims directed to disparate types of cancers'. Thus, it is beyond the skill of oncologists or pharamcologists today to get an agent to be effective against "biological activity" or "cancers..." mediated by Edg-7 receptor mechanism. As discussed in preceding comments, the existence of such a "silver bullet" is contrary to our present understanding of oncology or pharmacology.

The amount of guidance or direction needed to enable the invention is inversely related to the degree of predictability in the art. In re Fisher, 839, 166 USPQ 24. Thus, although a single embodiment may provide broad enablement in cases involving predictable factors, such as mechanical or electrical elements, in cases involving unpredictable factors, such as most chemical reactions and physiological activity, more teaching or guidance is required. In re Fishcher, 427 F.2d 839, 166 USPQ 24; Ex Parte Hitzeman, 9 USPQ 2d 1823. For example, the Federal Circuit determined that, given the unpredictability of the physiological activity of RNA viruses, a specification requires more than a general description and a single embodiment to provide an enabling disclosure for a method of protecting an organism against RNA viruses. In re Wright, 999 F.2d 1562-63, 27 USPQ2d 1575.

As discussed above, considering above factors, especially the "sufficient working examples", "the level of skill in the art", "the relative skill and the unpredictability in the pharmaceutical art", "breadth of the claims" and "the chemical nature of the invention", one having ordinary skill in the art would have to undergo an undue amount of experimentation to practice the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-2, 4-13, 15-16, 22-23, 25-32, 44-47 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are vague and unclear of the term “Edg-7 receptor mediated biological activity” and leave the reader in doubt as to the meaning of the invention to which they refer, thereby rendering the definition of the subject-matter of said claims unclear. In this regard, although the specific examples (calcium mobilization, VEGF synthesis, etc...) are shown in the specification, it is considered that the meaning of the claims should be clear from the wording of the claim alone.

Regarding claim 4, claim 4 recites “an antagonist”. The claim is vague and unclear and leaves the reader in doubt as to the meaning of the invention to which they refer, thereby rendering the definition of the subject-matter of said claims unclear. What types of antagonist activity does it refer to?

Regarding claims 5-9 and 15-16, claims 5-9 and 15-16 recite “other Edg receptors”. The claims are vague and unclear and leave the reader in doubt as to the meaning of the invention to which they refer, thereby rendering the definition of the subject-matter of said claims unclear. What types of Edg receptors do they refer to as comparing with the compounds of the formula having Edg-7 inhibitory activity? In this regard, although the specific examples (i.e., selectivity for Edg-7 relative to Edg-4 and Edg-2 receptors) are shown in the specification, it is considered that the meaning of the claims should be clear from the wording of the claim alone.

Regarding claims 1, 2, 33 and 44, claims 1, 2, 33 and 44 recite “substituted”. The claims are vague and unclear and leave the reader in doubt as to the meaning of the invention to which

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they refer, thereby rendering the definition of the subject-matter of said claims unclear. One of ordinary skill in the art could not ascertain and interpret the metes and bounds of the patent protection desired as to “substituents” encompassed thereby. Given the fact that any significant structural variation to a compound would be reasonably expected to alter its properties, e.g., physiological effects and functions, the scope of claim is indefinite as to the compound encompassed thereby. In this regard, although the specific embodiments (i.e., substituted alkyl, substituted alkylthio, substituted heteroalkyl, etc...) are shown in the specification, it is considered that the meaning of the claims should be clear from the wording of the claim alone.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 4-23, 25-27 and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Pfahl et al. (US 2004/0097566).

Pfahl teaches compounds of the formula I or II (e.g., RN 544474-61-5, 544474-63-7, RN 544475-28-7) alone or in combination with other anti-cancer drugs for the treatment of cancer including breast, prostate, non-small-cell lung and pancreatic cancer, wherein said compound is administered to cells (e.g., MDA-MB-453 breast cancer cell, MDA-MB-231) or tissues of a

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patient to inhibit the uncontrolled cellular proliferation in said affected patient (abstract; para. [0006]-[0012] and [0353] and [0367]).

Although Pfahl is silent about the claimed specific selective inhibitory activity of Edg-7 receptor (claims 5-18), the specific binding constant (claims 22 and 23) and “an organic molecule of molecular weight of less than 750 daltons” (claim 25), such property or characteristic deems to be inherent to the referenced compounds.

The fact that the applicant may have discovered a new pharmacological mechanism for the compound(s) represented by the formula(s) is not considered patentably distinctive over the prior art which are directed to the administration of same compounds inherently possessing the same therapeutic application. Thus, the reference anticipates the claimed invention.

### Conclusion

9. No Claim is allowed.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, can be reached on (571) 272-0718. The fax number for this Group is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications may be obtained from Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov> Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Brian Kwon  
Patent Examiner  
AU 1614

A handwritten signature in black ink, appearing to be 'B. Kwon', followed by a long horizontal line extending to the right.